

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MATTHEW ALVAREZ and SCOTT  
HALLIWELL, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

REALPAGE, INC., a Delaware corporation;  
GREYSTAR REAL ESTATE PARTNERS,  
LLC, a Delaware limited liability company;  
LINCOLN PROPERTY COMPANY, a Texas  
corporation; FPI MANAGEMENT, INC., a  
California corporation; MID-AMERICA  
APARTMENT COMMUNITIES, INC., a  
Tennessee corporation;  
AVENUE5 RESIDENTIAL, LLC, a Delaware  
limited liability company; EQUITY  
RESIDENTIAL, a Maryland real estate  
investment trust; ESSEX PROPERTY TRUST,  
INC., a Maryland corporation; ESSEX  
MANAGEMENT CORPORATION, a California  
corporation; AVALONBAY COMMUNITIES,  
INC., a Maryland corporation; CAMDEN  
PROPERTY TRUST, a Texas real estate  
investment trust; THRIVE COMMUNITIES  
MANAGEMENT, LLC, a Washington limited  
liability company; and SECURITY  
PROPERTIES INC., a Washington corporation,

Defendants.

No. 2:22-cv-01617

STIPULATED MOTION AND  
ORDER SUSPENDING  
DEADLINE FOR DEFENDANTS  
TO RESPOND TO COMPLAINT

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiffs Matthew Alvarez and Scott Halliwell (together, “Plaintiffs”) and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Company, FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential LLC, Equity Residential, Essex Property Trust, Inc., Essex Management Corporation, AvalonBay Communities, Inc., Camden Property Trust Thrive Communities Management, LLC, and Security Properties Inc. (collectively, the “Stipulating Defendants”), by and through their respective counsel,<sup>1</sup> hereby stipulate as follows:

WHEREAS, Plaintiffs filed a Class Action Complaint (the “Complaint”) on November 10, 2022. ECF No. 1.

WHEREAS, Plaintiffs served Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Company, FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential LLC, Equity Residential, Essex Property Trust, Inc., Essex Management Corporation, AvalonBay Communities, Inc., Camden Property Trust, Thrive Communities Management, LLC, and Security Properties Inc. with process on or about November 17, 18, 22, 23, and 29, 2022.

WHEREAS, the Complaint asserts a claim under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.’s software.

WHEREAS, as of this filing, the parties are aware that one or more of the Stipulating Defendants are named in multiple other lawsuits, in other District Courts in California, Illinois, and New York, asserting claims under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.’s software.

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<sup>1</sup> Greystar Real Estate Partners, LLC, Lincoln Property Company, Mid-America Apartment Communities, Inc., Avenue5 Residential LLC, Equity Residential, Essex Property Trust, Inc., Essex Management Corporation, AvalonBay Communities, Inc., and Camden Property Trust are still in the process of retaining local counsel for this action and have been represented by national counsel listed in the signature block below in conferences with Plaintiffs’ counsel.

1 WHEREAS, Plaintiffs and the Stipulating Defendants have conferred telephonically  
2 and by electronic mail, and have agreed that party and judicial efficiency would be best served  
3 by suspending, for a short period of time, the deadline for the Stipulating Defendants to answer,  
4 move to dismiss, or otherwise respond to the Complaint.

5 WHEREAS, Plaintiffs and the Stipulating Defendants have agreed to meet and confer  
6 and file a status report with the Court by December 21, 2022 related to a schedule for the case.

7 WHEREAS, Plaintiffs anticipate that they will propose a Rule 12 briefing schedule in  
8 the status report for the litigation that Plaintiffs think will efficiently and expeditiously move  
9 the case forward.

10 WHEREAS, on November 28, 2022, Judge Robert S. Lasnik entered in *Navarro v.*  
11 *RealPage, Inc. et al.*, No. 2:22-cv-01552-RSL (W.D. Wash.), an order similar to the subjoined  
12 order based on a stipulation similar to this one.

13 WHEREAS, Plaintiffs have filed a Notice of Related Case identifying this case as  
14 related to *Navarro v. RealPage, Inc. et al.*, No. 2:22-cv-01552-RSL (W.D. Wash.), which is  
15 pending before Judge Robert S. Lasnik. ECF No. 2.

16 In making this stipulation, the Stipulating Defendants do not waive, in this or any other  
17 action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P.  
18 12; (ii) affirmative defenses under Fed. R. Civ. P. 8; (iii) other statutory or common law  
19 defenses that may be available; or (iv) right to seek or oppose any reassignment, transfer, or  
20 consolidated alternatives. The Stipulating Defendants expressly reserve their rights to raise any  
21 such defenses (or any other defense) in response to either the Complaint or any original,  
22 amended, or consolidated complaint that may be filed in this or any other action.

23 THEREFORE, Plaintiffs and the Stipulating Defendants stipulate and agree to suspend  
24 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to  
25 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

26 STIPULATED to this 30th day of November, 2022.

27 STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR DEFENDANTS TO RESPOND TO  
COMPLAINT  
No. 2:22-cv-01617

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STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR DEFENDANTS TO RESPOND TO COMPLAINT

No. 2:22-cv-01617

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COMPLAINT

No. 2:22-cv-01617


**ORDER**

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Company, FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential LLC, Equity Residential, Essex Property Trust, Inc., Essex Management Corporation, AvalonBay Communities, Inc., Camden Property Trust, Thrive Communities Management, LLC, and Security Properties Inc. to answer, move to dismiss, or otherwise respond to the Complaint is suspended until the Court adopts a new date following the parties' submission of a proposed amended scheduling order on or before December 21, 2022.

Plaintiffs and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Company, FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential LLC, Equity Residential, Essex Property Trust, Inc., Essex Management Corporation, AvalonBay Communities, Inc., Camden Property Trust, Thrive Communities Management, LLC, and Security Properties Inc. shall meet and confer and file a status report with the Court, no later than December 21, 2022, that includes a proposed order with an amended pretrial schedule.

DATED this 6th day of December, 2022.

  
BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

DATED this 30th day of November, 2022.

s/ Heidi Bradley

Heidi Bradley